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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

RM 8535

To: The Commission)

**FURTHER COMMENTS OF
THE NATIONAL CABLE TELEVISION ASSOCIATION, INC.**

The National Cable Television Association, Inc. ("NCTA"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, hereby files its Further Comments in response to the Commission's March 14, 1996 Public Notice¹ in the above-captioned proceeding dealing with telephone number portability.

NCTA is the principal trade association of the cable television industry in the United States. NCTA represents cable television operators serving over 80 percent of the nation's television households, over sixty program networks, as well as cable equipment manufacturers and others interested in or affiliated with the cable television industry.

¹ Public Notice, Further Comments - Telephone Number Portability, CC Docket No. 95-116, DA 96-358, March 14, 1996 ("Public Notice").

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On March 14, 1996 the FCC released a Public Notice seeking further comment in its rulemaking proceeding addressing number portability.² The Commission had opened that docket in July, 1995, and the pleading cycle is closed. In light of the passage of the Telecommunications Act of 1996³ in the interim, the FCC sought brief comment on the effect, if any, of the new legislation on the particular issues raised by the outstanding Commission proceeding.

In its earlier comments, NCTA addressed the critical issues regarding number portability raised in the Commission's Notice of Proposed Rulemaking in this docket. In particular, we emphasized the importance of true number portability to the achievement of local exchange competition. True number portability encompasses the ability of an end user to retain existing telephone numbers within a telephone exchange service area without impairment in functionality, quality, reliability, and convenience when changing from one provider of telephone exchange service to another. It should include the capability of a local exchange carrier to route a call to any point on the network of another provider of telephone service as such provider requests, without the use of the call forwarding or functionally equivalent capabilities of such local exchange.

For the most part, the issues raised in the earlier NPRM are unaffected by the passage of the 1996 Act. The central role the FCC must play has been confirmed by that

² In the Matter of Telephone Number Portability, CC Docket No. 95-116, RM 8535, Notice of Proposed Rulemaking, FCC 95-284, released July 13, 1995 ("NPRM").

³ Pub. L. No. 104-104 (Feb. 8, 1996) ("1996 Act")

legislation and the record established on particular issues addressed in the NPRM such as call processing scenarios, the geographic scope of portability, the administration of the database, cost and recovery issues and the like can serve as a basis for the actions called for by the 1996 Act.

One area, however, does merit further attention since the passage of the 1996 Act. The NPRM sought comment on "whether a transition to a longer-term number portability solution is in the public interest. . . ." ⁴ The NPRM described a number of proposals as "interim number portability measures," but, in fact, they were not and are not a "number portability" solution. Because so-called "interim number portability" solutions do not, in fact, provide true number portability, NCTA urged the Commission to explicitly and unequivocally reject the suggestion in the NPRM that it might be "in the public interest to require only that carriers make available interim measures that accommodate number portability and not require the implementation of a longer-term number portability solution." ⁵ The 1996 Act makes that proposal moot.

The Telecommunications Act of 1996 affirms the critical importance of number portability. Its significance is reflected in the fact that section 251 of the Communications Act, added by the 1996 Act, requires all local exchange carriers to

⁴ NPRM at ¶55.

⁵ Id. at ¶68 (emphasis added).

provide number portability “to the extent technically feasible” pursuant to regulations adopted by the Commission.⁶

The number portability mandated by the 1996 Act is clearly full number portability: the statute defines the term to mean “the ability of users of telecommunications services to retain, at the same location, existing telephone numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.”⁷ Unimpaired portability is simply not possible through the use of remote call forwarding, direct inward dialing trunks, or other similar interim arrangements.⁸ What is ordered by the statute -- and thus what the Commission is directed to implement⁹ -- is a requirement for full number portability.

Pursuant to this statutory directive, the Commission must establish a definitive timetable for completing the deployment of full portability. As the comments in this docket demonstrate, full portability is (or will soon be) technically feasible.¹⁰ There is no justification for anything less than full portability, and any delay in requiring it will

⁶ 47 U.S.C. §251 (b)(2).

⁷ Id. §153 (46), added by 1996 Act, § 3(a) (emphasis added).

⁸ See NPRM at ¶¶57-62.

⁹ See 47 U.S.C. § 251 (d)(1).

¹⁰ See Telecommunications Reports, “MCI Urges Adoption of Number Portability Plan,” March 25, 1996 at 19 (reporting MCI ex parte presentation urging adoption of AT&T local routing and numbering (“LRN”) solution, that LRN technology has been approved by the Illinois Commerce Commission and New York and Georgia regulators, and that LRN software will be available in mid-1997).

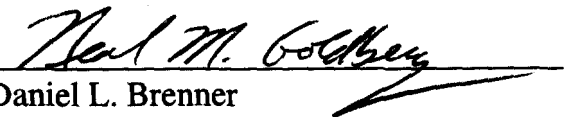
unnecessarily delay fair competition in the telecommunications marketplace.¹¹ Therefore, the Commission should adopt full number portability regulations at the same time it is required to adopt rules to implement the other provisions of Section 251, by August, 1996. A deadline for deployment of full number portability -- no later than January 1, 1998 -- must also be established.

¹¹ While the 1996 Act would permit a Bell operating company ("BOC") to obtain interLATA authorization with only "interim" number portability, 47 U.S.C. § 271(c)(2)(B)(xi), that provision in no way endorses interim portability. To the contrary, it expressly requires a BOC to come into "full compliance" with the Commission's number portability rules after the date on which those rules are issued. *Id.* Indeed, by drawing a distinction between interim portability, on one hand, and "the Commission's regulations pursuant to section 251 to require number portability" on the other, section 271 (c)(2)(B)(xi) supports the conclusion that the number portability required by section 251 is full portability.

CONCLUSION

For the reasons stated above, the NPRM's proposals regarding "interim number portability" are essentially mooted by the 1996 Act and the fact that full number portability is now "technically feasible." The Commission should adopt regulations concerning full number portability within the six-month time frame required for other provisions in Section 251 and order its deployment by no later than January 1, 1998.

Respectfully submitted,


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